

## **REMARKS/ARGUMENTS**

### **Status of the Claims**

Prior to entry of this Amendment, the application included claims 1-32. Claims 1-32 were rejected in the Office Action mailed September 15, 2009. Claims 21 and 27 have been rewritten into independent for to narrow issues for appeal. Claims 18-20, 25, and 26 have been canceled; no claims have been added. Hence, after entry of this Amendment, claims 1-17, 21-24, and 27-32 stand pending for examination.

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gustin et al. (US Pat. 6,012,048) (“**Gustin**”) in view of Knight et al. (US Pat. Pub. 2001/0034682) (“**Knight**”).

Claims 18, 20-21, 23-27 and 29-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gustin in view of Barbara (US Pat. Pub. 2002/0016769) (“**Barbara**”) and further in view of Kosuda (US Pat. Pub. 2001/0051923) (“**Kosuda**”).

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gustin in view of Barbara, Kosuda, and further in view of Apostolides (US Pat. Pub. 2005/0075968) (“**Apostolides**”).

Claims 22 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gustin in view of Barbara, Kosuda, and further in view of Orcutt (US Pat. Pub. 2005/0097050) (“**Orcutt**”).

Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gustin in view of Knight as applied to claim 14 above, and further in view of Silverstein et al. (US Pat. Pub. 2009/0070230) (“**Silverstein**”).

Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gustin in view of Barbara, in view of Kosuda as applied to claim 25 above, and further in view of Silverstein.

The Applicant respectfully requests entry the amendments herein as a matter of right since they merely write dependent claims into independent form and narrow issues for appeal.

**Claim Rejections Under 35 U.S.C. §103**

The Applicant respectfully requests reconsideration of all pending rejections. The rejections are improper at least because the cited references do not teach or suggest each and every claims element. Moreover, the motivation for combining the references does not relate to the combination. Accordingly, all pending claims are believed to be allowable.

Claim 1 is believed to be allowable because the references do not teach or suggest “determining with the intermediary computer system which one of the banking networks is associated with the bank account that is to receive the money.” The Office Action states that this element is found in Knight, citing ¶¶ 4, 7, 10, 24, 33-35 and 40. None of these paragraphs teach the element, however. While Knight appears to teach directing payments to particular international banks, the claimed determination, based on a bank account is outside the scope of Knight, and claim 1 is believed to be allowable, at least for this reason. In responding to this argument, the pending Office Action states that the provide bank “determines what appropriate format depending on which one of the banking networks ... is associated with the bank account that is to receive the money.” Without regard to whether this is true, it does not address the shortcoming, namely that the claimed determination of “which banking network is associated with the account ....” Determining a format is different than determining a banking network. Knight falls short of teaching the claimed determination and the explanation provided in response to the Applicant’s arguments does not address the shortcoming. The rejection of claim 1 is, therefore, improper.

The rejection of claim 1 is improper for the additional reason that the Office Action does not include a “clear articulation” of the reasons one skilled in the art would have found the claimed invention obvious in view of Knight and Gustin. The stated reason relates to

the problem faced by Knight and does not illuminate why one skilled in the art would have found it obvious to combine Knight with Gustin to make the claimed invention. The pending Office Action did not address this additional reason that the rejection of claim 1 is improper.

Similarly, claims 5, 11, and 14 are rejected based on the Knight/Gustin combination using the same obviousness rationale as the rejection of claim 1. For similar reasons as those discussed above, the rejections are improper because the cited reason or motivation is hindsight reasoning to justify the combination that was reached using the Applicants' claims as a roadmap. Accordingly, the Office has not satisfied its burden to clearly articulate a reason one skilled in the art would consider the claimed invention obvious.

The subject matter of claim 18 now resides in claim 21. Claim 21 is believed to be allowable because the cited references do not teach or suggest, "incorporating the account number, bank name and location into a transaction identifier." In addressing this shortcoming, the pending Office Action merely asserts that this is "old and well known." This assertion, however, does not cure the defect in the rejection, namely that the rejection does not cite a reference for the element as required for a proper rejection. It is not enough for the Examiner to assert, without proof, that something is old and well known. Accordingly, the rejection of claim 21 is improper. Claim 27 includes a similar element, and the rejection is believed to be improper, for at least a similar reason.

Claims 21 and 27 also recite, "wherein the transaction identifier comprises an eighteen digit number, with the first three digits corresponding to the bank name, the second three digits corresponding to the bank location, the next eleven digits corresponding to the account number, and the last digit corresponding to a check digit." The Office Action makes no attempt to cite a reference for this teaching, while conceding that the cited references do not teach or suggest it. The rejections are, therefore, improper for at least this additional reason.

The remaining claims depend from one of the independent claims discussed above and are believed to be allowable, at least for the foregoing reasons.

Moreover, the rejections of claims 23, 24, 29, and 30 are also improper because the Office Action does not cite a reference for the teachings of these claims.

The rejections of claims 31 and 32 are improper for the additional reason that Silverstein does not teach or suggest a host computer system that is configured to "return to one of the point of sale devices a list of prior transaction of the customer and receive a selection from among the prior transactions." Silverstein relates to remote transactions (Abstract) not point of sale transactions. Hence, there is no point of sale device taught by Silverstein to which the claimed information is returned. Accordingly, the rejections of claims 31 and 32 are improper.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Applicants do not acquiesce to any objection, rejection, or argument not specifically addressed herein. Rather, Applicants believe the amendments and arguments contained herein overcome all objections, rejections, or arguments.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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